

Ethics Training Satellite Broadcast

Participant Handbook
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Departmental Ethics Office

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EXECUTIVE ORDER 12674

Public service is a public trust, requiring employees to place loyalty to the Constitution, the laws, and ethical principles above private gain.

Employees shall not hold financial interests that conflict with the conscientious performance of duty.

Employees shall not engage in financial transactions using nonpublic Government information or allow the improper use of such information to further any private interest.

An employee shall not, except pursuant to such reasonable exceptions as are provided by regulation, solicit or accept any gift or other item of monetary value from any person or entity seeking official action from, doing business with, or conducting activities regulated by the employee's agency, or whose interests may be substantially affected by the performance or nonperformance of the employee's duties.

Employees shall put forth honest effort in the performance of their duties.

Employees shall make no unauthorized commitments or promises of any kind purporting to bind the Government.

Employees shall not use public office for private gain.

Employees shall act impartially and not give preferential treatment to any private organization or individual.

Employees shall protect and conserve Federal property and shall not use it for other than authorized activities.

Employees shall not engage in outside employment or activities, including seeking or negotiating for employment, that conflict with official Government duties and responsibilities.

Employees shall disclose waste, fraud, abuse, and corruption to appropriate authorities.

Employees shall satisfy in good faith their obligations as citizens, including all just financial obligations, especially those -- such as Federal, State, or local taxes -- that are imposed by law.

Employees shall adhere to all laws and regulations that provide equal opportunity for all Americans regardless of race, color, religion, sex, national origin, age, or handicap.

Employees shall endeavor to avoid any actions creating the appearance that they are violating the law or the ethical standards promulgated pursuant to this order.

STATUTORY PROHIBITIONS

18 U.S.C. § 201 BRIBERY OF PUBLIC OFFICIALS

Generally, this statute prohibits a Government employee from receiving or soliciting anything of value in exchange for being influenced in the performance or non-performance of any official act, including giving testimony, or in exchange for committing any fraud.

18 U.S.C. § 203 COMPENSATION FOR REPRESENTATIONAL ACTIVITIES

Generally, this statute prohibits a Government employee from receiving or soliciting compensation, for any representational services rendered before a Government agency in connection with a particular matter in which the United States is a party or has an interest.

18 U.S.C. § 205 REPRESENTATIONAL ACTIVITIES

Generally, this statute prohibits a Government employee from representing anyone else before a court or Government agency in a particular matter in which the United States is a party or has an interest. There is an exception for representing other federal employees in personnel matters. Limited exceptions are allowed only for representation of oneself or one's immediate family (defined as spouse, parents, and children) or of a person or estate for which the employee acts as a fiduciary, but not where the employee has participated officially or has official responsibility. There is also a limited exception for representing non-profit organizations made up primarily of employees or their immediate families.

18 U.S.C. § 207 POST EMPLOYMENT

Post-employment restrictions are found in 18 U.S.C. § 207. Similar provisions are included in

the Office of Procurement Policy Act Amendments. In no way do they bar any individual, regardless of rank or position, from accepting employment with any private or public employer. Rather, the statute prohibits certain kinds of representational communications, but allows “behind-the-scenes” work that does not involve direct contact with an agency.

Under 18 U.S.C. § 207, there are six prohibitions which may apply:

207(a)(1). Restrictions that apply to all former employees. A lifetime bar which prohibits a former employee from serving as another person's representative to the Government on a case, contractual matter, or other similar application or proceeding in which he or she participated personally and substantially while a Government employee.

- There are two important limitations to this prohibition which prohibit former employees from "switching sides." First, the former employee is not restricted unless the matter in which he previously participated was (1) a "particular matter involving specific parties" and (2) is the same matter in which he or she now attempts to represent another before the Government.
- This prohibition applies if the employee had been personally involved in the matter in a substantial way.
- The kind of representation that is prohibited includes not only acting as another's attorney or agent, but **any kind of representative appearance or communication before a federal official with intent to influence the United States**. This includes promotional and contract representatives.

207(a)(2). Two-year restriction that applies to former managers and supervisors. A two-year bar which prohibits former employees from serving as another person's representative to the Government on a case, contractual matter, or other similar application or proceeding which was under his or her management authority in the last year of government service.

- If a former employee is in doubt as to whether a matter was under his or her official responsibility, whether it is the same "particular matter" as that with which he was involved, or whether the United States still has an interest in the matter, he or she should consult with the appropriate ethics office for guidance.

207(b). One-year restriction that applies to all former employees. One year bar that prohibits former employees from aiding, advising or serving as another person's representative, on the basis of covered information, concerning any ongoing trade or treaty negotiation in which he or she had participated personally and substantially during the last year of government service.

207(c). One-year restrictions that applies to former "senior employees."

For one year after government service in a senior position, no former senior employee

may knowingly make, with the intent to influence, **any communication to or appearance before an employee of a department or agency in which he served in any capacity during the one-year period prior to termination from "senior" service**, if the communication or appearance is made on behalf of any other person (except the United States), in connection with any matter concerning which he seeks official action by the employee.

- “Senior employees” include any Executive Level (EL) position and all Senior Executive Service (SES) employees paid at the ES-5 or ES-6 pay level.
- The Former senior employee need never have been involved in the matter that is the subject of the communication or appearance in order to be covered.
- The matters covered are broader; they needn't involve specific parties, so the former employee could not, for example, attempt to influence general rulemaking, general policy issues or general legislation at his former department or agency.
- “Cooling off” period applies only to the bureau(s) in which the employee worked, if the bureau is identified specifically as a departmental component in 5 CFR Part 2641.

207(d). One-year restriction that applies only to "very senior" employees.

A former “very senior” employee may not, within one year after terminating a “very senior” position, knowingly make, with the intent to influence, any communication to or appearance before any individual appointed to an Executive Schedule position or any employee of a department or agency in which the former very senior employee served during the one-year period prior to termination from the very senior position, if the communication is on behalf of any other person and is in connection with any matter on which the former very senior employee seeks official action.

- Covers only an employee at the Executive Level I.
- The type of communication or appearance prohibited is one made on behalf of any other person (except the United States), in connection with any matter concerning which the former very senior employee seeks individual action by the individual or employee contacted.
- The one-year period is measured from the date when an employee ceases to be a very senior employee, not from the termination of Government service, unless the two occur simultaneously.

207(f). One-year restriction relating to Foreign Entities.

- For one year after leaving Government service, a former senior or very senior employee may not knowingly aid, advise, or represent a foreign entity, with the intent to influence the official actions of any employee of any federal agency or department.

Exceptions to all post-employment provisions

An exception is provided to all of the post-employment statutes when the post-employment activities are performed:

- In carrying out official duties on behalf of the United States;
- In carrying out official duties as an elected official of a state or local government;
- When employed by a recognized Indian tribe, but only after providing written notification to the head of the department, agency, court, or commission before which the former employee is communicating or appearing. See 25 U.S.C. § 450i(j).

Other Exceptions:

- Testimony under oath (but not as an expert against the United States)
- Unpaid statements based on special knowledge
- Scientific/technological information (under agency procedures)
- Communication or appearance on behalf of a candidate or specified political organization

Exception for former senior and very senior employees.

An exception is provided to former senior or very senior employees for the one-year bans of 18 U.S.C. § 207(c) or (d) when the communication or appearance is made in carrying out official duties as an employee of and is made on behalf of:

- A candidate for federal or state political office or specified entities,
- An agency or instrumentality of a state or local government,
- An accredited degree-granting institution of higher education as defined in section 1201(a) of the Higher Education Act of 1965, or
- A hospital or medical research organization exempted and defined under section 501(c)(3) of the Internal Revenue Code of 1986.

18 U.S.C. § 208 CONFLICT OF INTEREST

Generally, this statute prohibits a Government employee from participating personally and substantially in his or her official Government capacity in any "particular matter" in which any of the following has a financial interest:

- The employee
- The employee's spouse
- The employee's minor child
- The employee's general business partner
- Any organization in which the employee is serving as an officer, trustee, partner or employee; or
- Any person or organization with whom the employee is negotiating for non-

federal employment.

The statute recognizes limited exceptions to the prohibition for:

- Written waivers issued by agency after full disclosure of the financial interest (such as when serving in official capacity as an officer in an outside organization)
- Financial interests exempted by OGE regulation
- **Financial interests resulting solely from the interests of the employee or his/her spouse or minor children in birthrights in**
 - **an Indian allotment held in trust**
 - **an Indian tribe or band (or other recognized group or community)**
 - **an Indian claims fund held in trust or administered by the U.S.****AS LONG AS the particular matter on which the employee works does not specifically involve the allotment, tribe or claims fund. 18 U.S.C. § 208(b)(4).**

The assistance of your ethics counselors is necessary in considering any exemption from 18 U.S.C. § 208.

18 U.S.C. § 209 DUAL COMPENSATION

Generally, this statute prohibits a Government employee from receiving any salary, or any contribution to or supplementation of salary, as compensation for services he or she is expected to perform as an officer in the Executive Branch of the U.S. Government.

WAIVERS

In some cases a waiver may be provided to an employee which allows the employee to retain an interest that would otherwise be prohibited to the employee in a particular position because of a conflict of interest restriction. A waiver may also be issued to allow an interior employee to work on certain matters that would otherwise be prohibited because of conflict of interest laws. A waiver is a form of remedial action and an employee seeking a waiver should contact their servicing ethics counselor to determine whether their situation is one in which a waiver may be considered. After this, the servicing ethics counselor will provide guidance to the employee on how to prepare and where to send the waiver request.

18 U.S.C. § 208(b) WAIVERS

This is a waiver to the statutory prohibition under 18 U.S.C. § 208(a). This law generally prohibits a Government employee from becoming involved in a particular matter when the employee, his/her spouse, minor child or other entities specified in the law has a financial interest in that matter. It also applies in cases where the organization, in which the employee serves as an employee or officer or is negotiating for future employment, has a financial interest in the particular matter. A § 208(b) waiver allows the employee to become involved in such particular matter. A waiver must be in writing and will be granted only when the Bureau head or the Designated Agency Ethics Official determines that the disqualifying financial interest is not

so substantial that it would likely affect the integrity of the employee's services to the Government.

DEPARTMENT WAIVERS

This is a waiver to regulatory prohibitions on ownership of certain assets contained in the Department's Supplemental Standards of Conduct found at 5 C.F.R. § 3501 et seq. A Department waiver may be issued to an Interior employee to allow the employee to retain an interest or right in Federal lands administered or controlled by the Department of the Interior.

The Appearance of a Conflict of Interest

PERSONAL AND BUSINESS RELATIONSHIPS - 5 C.F.R. § 2635.502

Basic Principle: Unless specifically authorized by appropriate officials, an employee should not participate in a particular matter involving specific parties when:

- The employee knows the matter is likely to have a direct and predictable effect on the financial interests of a member of his/her household; or
- The employee knows that someone with whom the employee has a "covered relationship" is a party or represents a party in the particular matter; and
- The employee believes that a reasonable person with knowledge of all the relevant facts would question his/her impartiality in the matter.

With whom does an employee have a "covered relationship?"

- Anyone with whom the employee has or seeks a business, contractual or other financial relationship other than routine consumer transactions (but not prospective future employers);
- Members of the employee's household or relatives with close personal relationship;
- Anyone with whom the employee's spouse, parent or dependent child is serving or seeking to serve as officer, director, trustee, general partner, agent attorney, consultant, contractor or employee;
- Anyone for whom the employee has served in above capacity within the last year;
- An organization in which the employee is an active participant

Employees who are concerned about this prohibition may seek assistance of supervisory, ethics official or other authorized official. Authorization may be granted by appropriate official upon written determination that, in light of all relevant circumstances, the Government's interest in the employee's participation in the matter outweighs the concern that a reasonable person may question the integrity of the agency. After receiving an authorization, the employee cannot thereafter disqualify himself from participation in the matter on the same grounds that were the basis for the authorization.

OUTSIDE ACTIVITIES

OUTSIDE WORK - 5 C.F.R. § 2635.802, 5 C.F.R. § 3501.105

Outside work or activities generally are permitted to the extent that they are not prohibited by statute, regulation (including the Government-wide standards of conduct) or bureau policy.

The outside work or activity must not prevent an employee from devoting their primary interests, talents, and energies to the accomplishment of their work for the Department, or create a conflict or apparent conflict between the employee's private interests and official responsibilities.

Prior approval to engage in outside work or activity is required by Department regulations for paid or unpaid work with a prohibited source. Because an employee would be disqualified from participating in specific party matters that would affect the financial interests of the outside employer, the outside employment arrangement will not be approved if it requires the employee to disqualify from matters so central or critical to the performance of his or her official duties that it would impair the employee's ability to perform the duties of his or her position.

Under bureau policies, employees of MMS, USGS and BIA are required to seek approval for all outside work activities that might relate to their work. Before beginning any such work or activity, an employee should check with their servicing ethics counselor for any procedures or restrictions that may apply to their situation.

All outside work or activities must take place outside official duty hours or while on authorized leave. Generally, leave without pay will not be granted for the purpose of private employment, with the exception of service with non-Federal public or quasi-public organizations.

CHARITABLE FUNDRAISING - 5 C.F.R. § 2635.808

For Department employees, charitable fundraising in an official capacity may be permitted only if the charitable organization is approved by the Office of Personnel Management (OPM). At this time, the only charitable organization sanctioned by OPM is the Combined Federal Campaign. The rules governing acceptable fundraising activities by Federal employees are contained in 5 CFR Part 950. Raffles, lotteries, bake sales, carnivals, athletic events, or other fundraising activities not specifically provided for by regulation are prohibited. The prohibition extends to activities such as Girl Scout cookie drives and sports tournament ladders where participants contribute money.

An employee may engage in fundraising activities as a private citizen, on their own time and away from the workplace, provided that the employee does not use their official title or position to further the fundraising event. Even when acting as a private citizen, however, an employee may not solicit funds or other support from subordinates or from prohibited sources.

A limited exception exists for recognized employee organizations (such as the IDRA) to conduct fundraising activities to benefit their members and their families.

Finally, the fundraising restrictions pertain to the raising of funds, but not to campaigns for “in-kind” donations such as food, clothing and toys. Such charitable drives are permissible but employees and management should make every effort to limit the amount of official time, space and equipment that are used to avoid negative impact on the work of the office.

TEACHING, SPEAKING AND WRITING - 5 C.F.R. § 2635.807

Generally, an employee may not receive compensation from any source other than the Government for a teaching, speaking or writing activity that relates to their official duties.

For purposes of this policy, a teaching, speaking or writing activity relates to an employee’s official duties if:

- A) The activity is undertaken as part of the employee’s official duties;
- B) The circumstances indicate that the invitation to engage in the activity was extended to the employee primarily because of their official position rather than their expertise on the particular subject matter;
- C) The invitation to engage in the activity or the offer of compensation for the activity was extended to the employee, directly or indirectly, by a person who has interests that may be affected substantially by the performance or non-performance of the employee’s official duties;
- D) The information conveyed through the activity draws substantially on ideas or official data that are nonpublic information; or
- E) The subject of the activity deals in significant part with:
 - Any matter to which the employee is presently assigned or to which the employee had been assigned during the previous one-year period;
 - Any ongoing or announced policy, program or operation of the agency; or
 - In the case of a noncareer employee as defined by 5 CFR § 2636.303(a), the general subject matter, area, industry, or economic sector primarily affected by the programs and operation of his or her agency.

Even if the activity would relate to the employee’s official duties, an employee may accept compensation for teaching a course requiring multiple presentations by the employee if the course is offered as part of:

- A) The regularly established curriculum of:
 - An institution of higher education as defined at 20 U.S.C. § 1141(a);

- An elementary school as defined at 20 U.S.C. § 2891(8); or
- A secondary school as defined in law at 20 U.S.C. § 2891(21); or

B) A program of education or training sponsored and funded by the Federal Government or by a state or local government which is not offered by an entity described above.

REFERENCE TO OFFICIAL POSITION - 5 C.F.R. § 2635.807(b)

An employee who is engaged in teaching, speaking or writing as an outside employment or activity may not use or permit the use of his or her official title or position to identify the employee in connection with their teaching, speaking or writing activity or to promote any book, seminar, course, program or similar undertaking, except that:

- A) The employee may include or permit the inclusion of their title or position as one of several biographical details when such information is given to identify the employee in connection with their teaching, speaking or writing, provided that their title or position is given no more prominence than other significant biographical details;
- B) The employee may use, or permit the use of, their title or position on connection with an article published in a scientific or professional journal, provided that the title or position is accompanied by a reasonably prominent disclaimer satisfactory to the agency stating that the views expressed in the article do not necessarily represent the views of the agency or the United States; and
- C) If the employee is ordinarily addressed using a general term of address such as “The Honorable,” or a rank, such as a military or ambassadorial rank, the employee may use or permit the use of that term of address or rank in connection with their teaching, speaking or writing.

HONORARIA

Generally, Executive branch employees may accept honoraria (payments) for an appearance, speech or article, provided that the activity does not relate to their official duties. It is important to note that certain groups of employees are limited in the compensation they can accept for an appearance, speech or article. For example, non-career Senior Executive Service employees may not, in any calendar year, receive outside earned income which exceeds 15% of the annual rate of basic pay for level II of the Executive Schedule. Senate Confirmed Presidential Appointees may not receive any outside earned income.

“NON-OFFICIAL EXPRESSION”

“Non-official expression” is a term used by some to identify those instances when an employee writes or speaks on a topic which is generally related to the employee’s work but the employee is expressing herself as a private citizen and not as a representative of the Department. In such

cases, certain issues are raised. Of course, employees have a First Amendment right to express their opinions. However, management also has an interest in reducing any confusion about official bureau policies. Employees have an obligation to carry out policies of the organization as well as proper requests of their supervisors, even those with which they disagree. 43 C.F.R. § 20.502. There may be times when an employee's written or oral speech may be at odds with the policies of their employing organization. It may be appropriate, depending on the facts, to require employees to expressly disassociate their views with those of their employer.

"Non-official expression" policies in no way restrict the protections afforded to all employees under the Whistleblower Protection Act. Questions about the Whistleblower Protection Act should be directed to the Office of Special Counsel.

VOLUNTEERISM

The Department generally encourages employees to volunteer in community organizations, and may in certain limited circumstances authorize employees to perform volunteer activities while on official time (such as authorizing administrative leave to tutor at a local school or prepare meals at a local homeless shelter). Generally, the bureau should have a written Memorandum of Understanding (MOU) with the organization, and should limit the amount of official time to use to avoid unnecessary disruption of the workplace. Employees must be careful to observe the restrictions on representing the community organizations before the Government, which continue to apply.

SERVING AS AN OFFICER IN AN OUTSIDE ORGANIZATION IN DUTY STATUS

The Department's bureaus and offices are encouraged to work with outside groups in partnership to accomplish mission goals. Sometimes an outside group will ask an employee to serve as an officer or board member for the group, or an employee will seek such position on their own. In serving as an officer or board member, an individual usually assumes fiduciary responsibilities to act in the best interests of the organization. Doing so while in official duty status raises ethics concerns for the employee as well as the Department:

- Because 18 U.S.C. § 208 imputes the organization's financial interest to the employee who is serving as an officer or director, the employee may not participate in a particular matter that will affect the financial interest of the organization.
- 18 U.S.C. § 205 prohibits an employee from representing the group back to the Federal Government.
- Appearances of conflict under 5 C.F.R. § 2635.502 also may require an employee's disqualification from matters that affect the outside organization.
- **Participation in employee's private capacity:** If the employee is participating in the

outside organization in his/her own time and capacity as a private citizen, and the organization is not a prohibited source, generally no prior notice or approval is necessary. Such service (paid or unpaid) falls within the definition of “employment” in 5 C.F.R. § 3501.105 and therefore must be approved in advance if it is with a prohibited source.

- **Participation in employee’s official capacity:** The employee’s bureau/office may require or authorize the employee to participate in the outside organization or serve as an officer in his/her official capacity as a representative of DOI.

When official time is granted to an employee for service as an officer in a private sector organization, the primary beneficiary of the employee’s service must be the programs and operations of the Department. The private sector organizations that are of concern are those that do or seek to do business with the DOI; that are regulated by DOI; that wish to affect the policies or programs of the DOI; or that can be affected by the performance or nonperformance of the employee’s official responsibilities. Official recognition of these issues is determined in a written agreement between the agency and the outside organization.

Because 18 U.S.C. § 208 imputes the organization’s financial interest to the employee, then every action taken on behalf of the organization in the employee’s official capacity will create a conflict. **Therefore, there must be a waiver in place prior to the commencement of the employee’s service.**

Prior to becoming an officer in the outside organization in your official capacity, you must:

- Have a written MOU between the employee’s bureau and the outside organization which outlines the terms and conditions of the employee’s service.
 - Have an 18 U.S.C. § 208(b)(1) waiver in place before the employee makes any policy or fiduciary decisions or takes any actions as an officer;
 - Obtain prior approval from the Bureau Ethics or Deputy Ethics Counselor; and
 - Secure training from the Bureau Deputy Ethics Counselor prior to accepting the position.
- **Membership or other participation but not service as board member/officer with fiduciary responsibility.** An employee’s supervisor may allow official time for the employee to attend outside functions, such as conventions or meetings, when it is in the best interest of the government. In such cases the employee may be participating in an informational capacity, rather than as an officer or board member. While membership alone does not raise ethics concerns, active participation such as chairing a committee or running a project for the organization may raise concerns about possible appearances of

conflicts under 5 C.F.R. § 2635.502. If, under these standards, the employee would be required to disqualify from matters so central or critical to the performance of his/her official duties that the employee's ability to perform the duties of his/her position would be materially impaired, then the employee should not engage in the outside activity.

- If an employee is already serving in his/her private capacity as an officer in a group sponsoring an event to which the employee is to attend in his or her official capacity, the conflict of interest statutes will apply as if the employee was acting in his/her official capacity since the employee will be on official time for the duration of the event. This means a waiver is required if the employee is to have substantial participation. When the event ends, the rules that pertain to the employee's activities in his/her private capacity go back into effect.

NEGOTIATING FOR NON-FEDERAL EMPLOYMENT - 5 C.F.R. § 2635.601-6.

If an employee begins to seek future employment with a non-Federal entity, ethics concerns apply:

- If the employee is negotiating with a non-Federal entity or has an arrangement for future employment within the meaning of 18 U.S.C. § 208, the employee may not participate in any particular matter that would affect the financial interests of the person with whom the employee is negotiating unless a written waiver is obtained.
 - Negotiation for employment that triggers 18 U.S.C. § 208 means discussion or communication with a person (or the person's agent or intermediary) that is mutually conducted with a view toward reaching an agreement regarding possible employment with that person.
 - Negotiation is not limited to discussion of specific terms and conditions of employment in a specific position.
- If the employee has begun to seek future employment but has not met the conditions in 18 U.S.C. § 208, such as, for example, by making unsolicited communications regarding future employment through the sending of a resume, the possible appearance of loss of impartiality requires disqualification under 5 C.F.R. § 2635.502, unless a written authorization is obtained under 5 C.F.R. § 2635.502(d) .
- For either standard, negotiating for employment *begins* when:
 - The employee or the employee's representative approach a prospective employer, orally or in writing, regarding future employment and that approach is met with an interest in further discussions; or

- A prospective employer approaches the employee or the employee's representative, orally or in writing, regarding future employment and the employee agrees to begin employment discussions.
- Negotiating for future employment *ceases* when:
 - The employee or the prospective employer rejects the possibility of employment and all discussions of possible employment have ended; or
 - Two months have passed after the employee has sent an unsolicited resume or employment proposal, provided the employee has received no indication of interest in employment discussions from the prospective employer.
 - A response that defers discussions until the foreseeable future does not mean that the unsolicited employment overture, proposal, or resume has been rejected.

LOBBYING ACTIVITIES

There are a number of statutes that prohibit DOI employees from using appropriated funds to lobby a Member of Congress or other entities other than what is required by the employee's job duties. The general provisions to remember are these:

- An employee may not use appropriate funds to pay for any personal service, advertisement, telegram, telephone, letter, printed or written matter, or other device, intended or designed to influence a Member of Congress in any manner, on a matter of personal interest.
- An employee is required to refrain from using their official position to further personal views by promoting or opposing legislation relating to programs of the Department.
- Employees acting entirely as private citizens have the right to petition Congress, either individually or collectively, on any subject. An employee's right to petition Congress, a Member of Congress, or to furnish information to either House of Congress, shall not be interfered with or denied as long as the employee does it as a private citizen, on their own time, and with their own supplies or equipment.

Specific statutory lobbying prohibitions affecting official duties are as follows:

- **18 U.S.C. § 219.** Section 219 prohibits employees from acting as an "agent of a foreign principal" as defined under the Foreign Agents Registration Act (FARA) or a "lobbyist"

on behalf of a foreign entity that is required to register under the Lobbying Disclosure Act of 1995 (LDA). The LDA ban prohibits certain lobbying of covered legislative and executive branch officials on behalf of foreign corporations, associations, or other organizations. There are certain FARA exceptions related to trade or commerce, legal representation, humanitarian fundraising, and religious, scholastic, or scientific pursuits.

- **18 U.S.C. § 1913.** Section 1913 prohibits employees from using any part of the money appropriated by Congress to influence, in any manner, certain governmental individuals and entities to favor, adopt, or oppose, by vote or otherwise, any legislation, law, ratification, policy or appropriation. The specific individuals and entities who may not be influenced using appropriated funds are:
 - a Member of Congress
 - a jurisdiction
 - an official of any state, local, or territorial government, or
 - an Indian tribe.

This prohibition prevents employees from engaging in grass-roots lobbying campaigns directed at the public, using e-mails, letters or other forms of communication that expressly encourage the public to contact the specified individuals or entities on pending matters of the types identified above. The prohibition does not prevent, however,

- good-faith responses to requests for information;
 - public statements that are strictly factual and devoid of positive or negative sentiment about pending matters; or
 - communications which, if prohibited, would in the opinion of the Attorney General violate the Constitution or interfere with the conduct of foreign policy, counter-intelligence, intelligence or national security activities.
- **Other Anti-lobbying Restrictions:** An annual provision of a government-wide appropriation statute prohibits the use of appropriated funds for publicity or propaganda purposes (such as expenditures for grass-roots lobbying of the public) designed to support or defeat legislation pending before Congress. Also, DOI's annual appropriation statute contains a provision prohibiting employees from engaging in lobbying campaigns or participating in events designed to support or oppose pending legislative goals even where the employee's activities stop short of directly encouraging grass-roots lobbying. These legislative goals may be expressed in pending bills or proposed presidential budgets. As with Section 1913, both of these additional restrictions do not prohibit good-faith responses to requests for information or public statements that are strictly factual and devoid of positive or negative sentiment about pending matters.

MISUSE OF GOVERNMENT EQUIPMENT

Under the Department's limited use policy (available at www.doi.gov/ethics), an employee's bureau or office is authorized to allow the employee to have limited personal use of certain office equipment as long as it occurs on non-duty time, does not interfere with official business, and is not a commercial activity or an activity which is prohibited by law or regulation. If an employee is unsure about the scope of the limited personal use policy for their bureau or office, they should contact their supervisor.

An employee may not use the Government purchasing authority (including their Government credit card) for personal acquisitions.

When leaving government service, an employee may not remove government property or files (generally the projects, studies, maps and documents an employee prepares as a Government employee, belong to the government); nor may an employee use government copiers to make copies of files to take with them.

Employees are prohibited from using official Government envelopes (with or without applied postage) or official letterhead stationery for personnel business. This includes mailing an employee's job application. Violators of the prohibition covering the personal use of franked/postage paid envelopes (18 U.S.C. § 1719) may be subject to a fine of up to \$300.

Employees are prohibited from engaging in any financial transaction using "insider" or nonpublic information, or allowing the improper use of nonpublic information, which is not available to the public, to further their private interest or that of another.